

12/20/2004 10:28 FAX

002

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Charles Langone, as Fund Manager of the
New England Teamsters and Trucking Industry
Pension Fund,
Plaintiff

v.

The 357 Corp.

CA CV No. 11454-GAO

Certification Pursuant To Local Rule 16.1

The Defendant, the 357 Corp., and its counsel hereby certify that we have conferred:

- (a) with a view to establish a budget for the cost of conducting the full course, and various alternative courses, of this litigation; and
- (b) to consider the resolution of the litigation through the use of alternative dispute resolution programs such as those outlined in Local Rule 16.4.

Geoffrey P. Wermuth
Geoffrey P. Wermuth, BBO #559681
Murphy, Hesse, Toomey & Lehan, LLP
World Trade Center East, 4th Fl.
2 Seaport Lane
Boston, MA 02210
(617) 479-5000

John McCarthy
John McCarthy, President
The 357 Corp.

December 20, 2004

Certificate of Service

I, Geoffrey P. Wermuth, hereby certify that on this 20th day of December, 2004, I served a copy of the foregoing by first class mail, postage prepaid, on the following:

Catherine M. Campbell, Esq.
Feinberg, Campbell & Zack, P.C.
177 Milk St., Suite 300
Boston, MA 02109

Geoffrey P. Wermuth
Geoffrey P. Wermuth